



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/945,558 | 08/30/2001 | Stephen Jones | LIT-114/AME 1412 | 1831 |
| 32205 | 7590 | 03/21/2006 | EXAMINER | |
| CARMEN B. PATTI & ASSOCIATES, LLC ONE NORTH LASALLE STREET 44TH FLOOR CHICAGO, IL 60602 | | | DYKE, KERRI M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2616 | |

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 09/945,558 | Applicant(s) JONES ET AL. , | |
| | Examiner Kerri M. Dyke | Art Unit 2667 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 14-23, 26-29 and 31-39 is/are rejected.
- 7) ☒ Claim(s) 11, 13, 24, 25 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 22-23, filed 2/28/2006, with respect to claims 1-39 have been fully considered and are persuasive. The rejection of claims 1-39 under 35 U.S.C 112 has been withdrawn.
2. Applicant's arguments, filed 2/28/2006, with respect to the drawings have been fully considered and are persuasive. The objection of the drawings has been withdrawn.
3. Applicant's arguments, see page 23, filed 2/28/2006, with respect to the rejection(s) of claim(s) 1-39 under 102 and 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of new reference Rabipour et al. (US 7,006,456).

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 37-39 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 37-39 call for a computer-readable signal-bearing medium. The specification discloses that the medium may be a modulated carrier signal. A signal, even one encoded with functional descriptive material, falls outside the statutory categories of invention. (The current guidelines on patentable subject matter may be found at:

<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf>).

A signal is not a process because there are no steps. It is not a machine, because there is no physical structure. A signal lacks physical substance and therefore cannot be a manufacture.

Art Unit: 2667

Finally, a signal is energy, not matter and therefore cannot be a composition of matter. Biologic and atomic media, even if imprinted instructions to carry out a process, as natural phenomena.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 37-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is also unclear exactly what is meant by atomic since *everything* is composed of atoms. The examiner assumes that by atomic the applicant means a medium that is governed by quantum physics and not classical physics. It is unclear what is meant by biologic medium. It is known to use a unique identifying feature, such as a fingerprint, to allow access to a facility or information, but not to encode the feature itself with instructions. The examiner assumes that by biologic the applicant means DNA.

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 37-39 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Page 5 lines 2-5 of the specification call for atomic computer readable medium. However, as evidenced by the printout from *How Stuff Works* "How Quantum Computers Will

Art Unit: 2667

Work,” even today, four and a half years after the applicant’s August 2001 priority date, quantum (i.e. atomic) computing is still in its infancy and useful applications have yet to be developed let alone a medium which could contain the instructions called for by the claims. Page 5 lines 2-5 of the specification also call for a biologic computer readable medium. Again, as evidenced by the printout from *How Stuff Works* “How DNA Computers Will Work,” DNA computing is also still in development today and a biological computer readable medium does not exist yet.

9. Claims 37-39 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification lists biological and atomic media as possibilities for the computer readable medium. The specification does not further provide information or specific embodiments using biological/atomic media.

10. A search of the prior art has revealed no other enabled references to atomic computer readable media. An atomic computer readable medium is not well-known nor readily available for purchase. Also, the level of ordinary skill within quantum physics is much higher than that within the computer medium/programming art and one would not expect to be of ordinary skill within both arts. Therefore, one of ordinary skill would not have known how to make and use an atomic computer readable media.

11. A search of the prior art has also revealed no other references to a biological (DNA) computer readable medium. A biologic computer readable medium is not well-known nor

Art Unit: 2667

readily available for purchase. Again, the level of ordinary skill within the biologic arts related to computing is higher than that within the conventional computer medium/programming art and one would not expect to be of ordinary skill within both arts.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-7, 9-10, 14, 17-23, 28-29, 33-34, and 36 are rejected under 35 U.S.C. 103(a) as being anticipated by Nahay (US 4,119,807) in view of Rabipour et al. (US 7,006,456).

14. In regards to claim 1, Nahay discloses a system, comprising: a first communication node of a plurality of communication nodes (figure 1 element 10) connected with processorless central equipment (figure 1), wherein the first communication node sends one or more first portions of node-output information to the processorless central equipment (figure 1 element 14); wherein one or more additional communication nodes of the plurality of communication nodes send one or more additional portions of node-output information to the processorless central equipment (figure 1 element 14); wherein the first communication node receives from the processorless central equipment a portion of central-output information, wherein the portion of central-output information comprises the one or more first portions of node-output information and the one or more additional portions of node-output information (figure 1 elements 30 and 56). Column 3 line 64 – column 4 line 2 discloses the first node receiving output comprising one or more first portions and one or more additional portions.

Art Unit: 2667

Nahay does not disclose wherein the first communication node is not limited to a telephone.

Rabipour discloses a media signal source in column 10 lines 22-45. The media signal source is not limited in its embodiment and line 28 of column 10 specifically states the media signal source may supply speech, video, or any other media signal.

It would have been obvious to one of ordinary skill in the art to modify Nahay's system to include communication nodes other than telephones, as taught by Rabipour because not all participants can be expected to have identical terminals. For example, in Rabipour column 2 lines 59-64, 99 participants have an advanced terminal and 1 has a more basic terminal. Also, not limiting the type of terminal allows for more information to be shared, for example video information can be shared among the video enabled terminals without affecting the performance of the entire conference, (which is one of the objectives of Rabipour).

15. In regards to claim 2, Nahay discloses the system of claim 1, wherein the first communication node sends the one or more first portions of node-output information to the processorless central equipment in a communication frame; wherein the first communication node receives from the processorless central equipment the portion of central-output information in the communication frame (figure 2).

16. In regards to claim 3, Nahay discloses the system of claim 1, wherein the first communication node sends the one or more first portions of node-output information to the processorless central equipment no later than an interval before a start of a communication frame in which the first communication node receives from the processorless central equipment the portion of central-output information, wherein a time duration of the interval is minor relative to

Art Unit: 2667

a time duration of the communication frame (figure 2). Column 3 lines 30-32 disclose that the interval is very short compared to the frame duration.

17. In regards to claim 4, Nahay discloses the system of claim 3 in combination with a second communication node of the one or more additional communication nodes (figure 1 element 10), wherein the second communication node sends one or more of the one or more additional portions of node-output information to the processorless central equipment (figure 1 element 16) no later than the interval before a start of a communication frame in which the second communication node receives from the processorless central equipment the portion of central-output information (figure 2), wherein the communication frame in which the first communication node receives from the processorless central equipment the portion of central-output information and the communication frame in which the second communication node receives from the processorless central equipment the portion of central-output information comprise substantially the same time duration. Figure 2 discloses that the receiving portion of central-output information comprises the same time duration regardless of the destination.

18. In regards to claim 5, Nahay discloses the system of claim 1, wherein the first communication node sends one of the one or more first portions of node-output information to the processorless central equipment within an interval before a time slot of a communication frame of the portion of central-output information, wherein a time duration of the interval is minor relative to a time duration of the communication frame; wherein the first communication node receives from the processorless central equipment the one of the one or more first portions of node-output information in the time slot of the communication frame of the portion of central-output information (figure 2 and column 5 line 1 – column 7 line 34).

19. In regards to claim 6, Nahay discloses the system of claim 5, wherein the time slot comprises a pre-assigned time slot of a set of time slots that comprises the communication frame of the portion of central-output information; wherein the first communication node sends one of the one or more first portions of node-output information to the processorless central equipment within the interval before the pre-assigned time slot of the set of time slots that comprises the communication frame of the portion of central-output information; wherein the first communication node receives from the processorless central equipment the one of the one or more first portions of node-output information in the pre-assigned time slot of the set of time slots that comprises the communication frame of the portion of central-output information (figure 2 and column 5 line 1 – column 7 line 34).

20. In regards to claim 7, Nahay discloses the system of claim 6 in combination with the processorless central equipment, wherein the processorless central equipment gates the one of the one or more first portions of node-output information with a clock to obtain the one of the one or more first portions of node-output information in the pre-assigned time slot of the set of time slots that comprises the communication frame of the portion of central-output information (figure 1 and column 5 line 1- column 7 line 34).

21. In regards to claim 9, Nahay discloses the system of claim 5, wherein the time duration of the interval is less than five percent of the time duration of the communication frame. Figure 2 discloses that each frame is composed of 128 samples or intervals. It is therefore inherent that each interval occupies only 1/128 of the time duration of the communication frame, which is less than five percent.

22. Claim 10 is rejected upon the same grounds as claim 5.

Art Unit: 2667

23. In regards to claim 14, Nahay discloses the system of claim 1 in combination with a second communication node of the one or more additional communication nodes, wherein the second communication node sends one or more of the one or more additional portions of node-output information to the processorless central equipment, wherein the second communication node receives from the processorless central equipment the portion of central-output information (column 5 line 1 – column 7 line 34).

24. In regards to claim 17, Nahay discloses the system of claim 1, further comprising a copper passage of one or more copper passages that serve to connect the first communication node with the processorless central equipment, wherein the first communication node sends the one or more first portions of node-output information to the processorless central equipment over the copper passage. At the time Nahay filed and patented his invention, (1977-78), copper was the standard for phone lines. It is therefore implicit that Nahay expected to use his invention over copper passages.

25. Claim 18 is rejected upon the same grounds as claim 17.

26. Claim 19 is rejected upon the same grounds as claim 4.

27. Claim 20 is rejected upon the same grounds as claim 5.

28. In regards to claim 21, Nahay discloses the system of claim 1 in combination with the processorless central equipment, wherein the processorless central equipment within a communication frame employs the one or more first portions of node-output information and the one or more additional portions of node-output information to produce the portion of central-output information and sends the portion of central-output information to the plurality of communication nodes (figure 1 and column 5 line 1 – column 7 line 34).

Art Unit: 2667

29. In regards to claim 22, Nahay discloses the system of claim 1 in combination with the processorless central equipment and the one or more additional communication nodes, wherein the first communication node, the processorless central equipment, and the one or more additional communication nodes comprise a time division multiplexing architecture. Nahay discloses using time division multiplexing within the title and column 2 lines 12-14.

30. In regards to claim 23, Nahay discloses the system of claim 1 in combination with the processorless central equipment and a second communication node of the one or more additional communication nodes; wherein the first communication node sends one of the one or more first portions of node-output information to the processorless central equipment within an interval before a first pre-assigned time slot of a first set of time slots that comprises a first communication frame in which the first communication node receives from the processorless central equipment the portion of central-output information and within the interval before the first pre-assigned time slot of a second set of time slots that comprises a second communication frame in which the second communication node receives from the processorless central equipment the portion of central-output information, wherein the first and second communication frames comprise an approximately same time duration, wherein a time duration of the interval is minor relative to the approximately same time duration of the first and second communication frames; wherein the second communication node sends one of the one or more additional portions of node-output information to the processorless central equipment within the interval before a second pre-assigned time slot of the first set of time slots that comprises the first communication frame in which the first communication node receives from the processorless central equipment the portion of central-output information and within the interval before the

Art Unit: 2667

second pre-assigned time slot of the second set of time slots that comprises the second communication frame in which the second communication node receives from the processorless central equipment the portion of central-output information; wherein the processorless central equipment gates the one of the one or more first portions of node-output information with a clock to obtain the one of the one or more first portions of node-output information in the first pre-assigned time slot of the first set of time slots and in the first pre-assigned time slot of the second set of time slots; wherein the processorless central equipment gates the one of the one or more additional portions of node-output information with the clock to obtain the one of the one or more additional portions of node-output information in the second pre-assigned time slot of the first set of time slots and in the second pre-assigned time slot of the second set of time slots; wherein the first communication node receives the one of the one or more first portions of node-output information in the first pre-assigned time slot of the first set of time slots and the one of the one or more additional portions of node-output information in the second pre-assigned time slot of the first set of time slots; wherein the second communication node receives the one of the one or more first portions of node-output information in the first pre-assigned time slot of the second set of time slots and the one of the one or more additional portions of node-output information in the second pre-assigned time slot of the second set of time slots (figures 1-2 and column 5 line 1 – column 7 line 34).

31. In regards to claim 28, Nahay discloses the system of claim 1 in combination with the processorless central equipment, wherein the processorless central equipment comprises first processorless-central equipment, wherein the portion of central-output information comprises a portion of first central-output information, and further comprising second processorless-central

Art Unit: 2667

equipment that is connected with the plurality of communication nodes; wherein the first communication node sends the one or more first portions of node-output information to the first processorless-central equipment and to the second processorless-central equipment, wherein the one or more additional communication nodes send the one or more additional portions of node-output information to the first processorless-central equipment and to the second processorless-central equipment; wherein the first communication node receives the portion of first central-output information from the first processorless-central equipment (figure 1).

32. In regards to claim 29, Nahay discloses the system of claim 28, wherein the first communication node receives the portion of first central-output information from the first processorless-central equipment and a portion of second central-output information from the second processorless-central equipment, wherein the portion of second central-output information comprises one or more of: the one or more first portions of node-output information; and the one or more additional portions of node-output information (figures 1-2).

33. In regards to claim 33, Nahay discloses the system of claim 1 in combination with the plurality of communication nodes, wherein each of the plurality of communication nodes sends a corresponding one or more portions of node-output information to the processorless central equipment, wherein each of the plurality of communication nodes receives from the processorless central equipment the portion of central-output information, wherein the portion of central-output information comprises all the portions of node-output information (figures 1-2 and column 5 line 1 – column 7 line 34).

34. Claim 34 is rejected upon the same grounds as claim 1.

35. Claim 36 is rejected upon the same grounds as claim 33.

36. Claims 8 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nahay (US 4,119,807) in view of Sulzbacher et al. (US 4,835,764).

37. In regards to claims 8 and 35, Nahay discloses the system of claim 5 and the method of claim 34, but not wherein the time duration of the interval is approximately equal to a maximal expected signal-propagation delay between the processorless central equipment and the plurality of communication nodes over a respective plurality of operable passages.

Sulzbacher discloses setting the interval to the length of the signal propagation delay in column 1 lines 33-34.

It would have been obvious to one of ordinary skill in the art to modify the system of Nahay by setting the interval length equal to the signal propagation delay, as taught by Sulzbacher, because doing so allows for maximum range, as taught by Sulzbacher in column 2 lines 1 – 19.

38. Claims 12 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nahay (US 4,119,807) in view of Kopec et al. (US 5, 883,986).

39. In regards to claims 12 and 31-32, Nahay discloses the system of claim 1, wherein the first communication node sends one of the one or more first portions of node-output information to the processorless central equipment; wherein the first communication node receives from the processorless central equipment the one of the one or more first portions of node-output information in a time slot of a communication frame of the portion of central-output information; but not wherein the first communication node compares one or more values of the one of the one

Art Unit: 2667

or more first portions of node-output information with one or more values from the time slot of the communication frame of the portion of central-output information to check correctness of operation of one or more portions of the system.

Kopec et al. discloses comparing the values in order to check correctness in column 2 lines 5-50.

It would have been obvious to one of ordinary skill in the art to modify the system of Nahay by including means for checking correctness, as taught by Kopec et al. because error detection allows for correction and presentation of a final, error-free product, as taught by Kopec et al. in column 2 lines 1-4.

40. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nahay (US 4,119,807) in view of Lang (US 5, 057,932).

41. In regards to claims 15-16, Nahay discloses the system of claim 1, but not further comprising a fiberoptic passage of one or more fiberoptic passages that serve to connect the first communication node with the processorless central equipment, wherein the first communication node sends/receives the one or more first portions of node-output information to the processorless central equipment over the fiberoptic passage.

Lang discloses using fiberoptic passages in the abstract.

It would have been obvious to one of ordinary skill in the art to modify the system of Nahay in order to use fiber optics, as taught by Lang because fiber carries signals great distances faster and with more accuracy, as disclosed by Lang in column 8 lines 15-17.

Art Unit: 2667

42. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nahay (US 4,119,807) in view of Thompson (3,649,763).

43. In regards to claim 26, Nahay discloses the system of claim 1 in combination with the processorless central equipment, wherein the first communication node sends one of the one or more first portions of node-output information to the processorless central equipment in a time slot, not assigned to the first communication node, of a first set of time slots that corresponds to a time slot, not assigned to the first communication node, of a second set of time slots of the portion of central-output information; but not wherein the processorless central equipment withholds the one of the one or more first portions of node-output information from the time slot, not assigned to the first communication node, of the second set of time slots of the portion of central-output information through clock gating of the one or more first portions of node-output information in the time slot, not assigned to the first communication node, of the first set of time slots.

Thompson discloses preventing the information from entering a time slot it is not assigned to in column 22 lines 46-51.

It would have been obvious to one of ordinary skill in the art to modify the system of Nahay in order to prevent the portion of information from entering a time slot it is not assigned to, as taught by Thompson because doing so prevents the erroneous overwriting of information, as taught by Thompson in column 1 lines 45-55.

44. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nahay (US 4,119,807) in view of Layland et al. (US 4,112,497) .

Art Unit: 2667

45. In regards to claim 27, Nahay discloses the system of claim 1 in combination with the processorless central equipment, wherein the processorless central equipment employs one of the one or more first portions of node-output information, and a clock, but not a plurality of flip-flops to determine a zero or more amount of delay to assert for relative synchronization between a stable part of the one of the one or more first portions of node-output information and a clock edge that is employed to produce the portion of central-output information.

Layland et al. disclose using flip-flops for synchronization in column 11 lines 45-55.

It would have been obvious to one of ordinary skill in the art to modify the system of Nahay in order to synchronize the information and clock using flip-flops, as taught by Layland et al. because correlation of the signal is crucial, as taught by Layland et al. in column 1 lines 15-34.

46. Claims 37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nahay (US 4,119,807) in view of Gregg et al. (US 6,779,129).

47. Claim 37 is comparable to claim 1 and claim 39 is comparable in limitations to claim 33, which are taught by Nahay and Rabipour. Nahay and Rabipour do not teach the additional limitation of a computer-readable-signal-bearing medium.

Gregg et al. discloses a signal bearing medium in column 4 lines 55-67.

It would have been obvious to one of ordinary skill in the art to modify the system of Nahay to include a signal-bearing medium, because a signal-bearing medium facilitates distribution as taught by Gregg et al. in column 4 lines 55-67.

Art Unit: 2667

48. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nahay (US 4,119,807) in view of Kopec et al. (US 5, 883,986) further in view of Gregg et al. (US 6,779,129).

49. Claim 38 is comparable to claim 12, which is taught by Nahay and Kopec et al. Nahay and Kopec et al. do not teach the additional limitation of a computer-readable-signal-bearing medium.

Gregg et al. discloses a signal bearing medium in column 4 lines 55-67.

It would have been obvious to one of ordinary skill in the art to modify the system of Nahay to include a signal-bearing medium, because a signal-bearing medium facilitates distribution as taught by Gregg et al. in column 4 lines 55-67.

Allowable Subject Matter

50. Claims 11, 13, 24-25, and 30 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

51. This action is NOT made final because of the new rejections applied to claims 37-39.

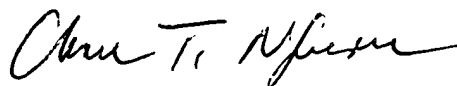
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kerri M. Dyke whose telephone number is (571) 272-0542. The examiner can normally be reached on Monday through Friday, 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2667

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kmd



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600